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JOHN F. DAVIS, CL

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. [redacted] 43

COLGATE-PALMOLIVE COMPANY,
Petitioner,

vs.

COOK CHEMICAL COMPANY,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

SUPPLEMENTAL BRIEF FOR PETITIONER

GEORGE H. MORTIMER,
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R. L. MIDDLEHALL, INC., 1108 Oak Street, Kansas City, Mo. 64106, HArrison 1-3080

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. 810

COLGATE-PALMOLIVE COMPANY,
Petitioner,

vs.

COOK CHEMICAL COMPANY,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

SUPPLEMENTAL BRIEF FOR PETITIONER

As we have advised the Court in our Petition for Writ of Certiorari heretofore filed and now pending before this

Court, this case and the case of Calmar, Inc., v. Cook Chemical Company, No. 778, now pending before this Court on Petition for Certiorari, were consolidated for trial in the District Court for the Western District of Missouri and the District Court entered one judgment against both plaintiffs. The two actions were consolidated on appeal to the Court of Appeals for the Eighth Circuit which handed down a single opinion and entered one judgment which affirmed the judgment of the District Court.

Respondent, Cook Chemical Company, has filed a single brief in opposition to the separate petitions of Calmar, Inc., in No. 778 and of Colgate-Palmolive Company in No. 810. Since respondent's brief in opposition to the petitions in both cases was filed, three additional briefs have been filed in Case No. 778. They are as follows:

(1) Reply Brief of Petitioner, Calmar, Inc.

(2) Supplemental Brief of Petitioner, Calmar, Inc.

(3) Respondent's Reply to the Petitioner's Supplemental Brief.

Petitioner Colgate-Palmolive Company is in full agreement with the Reply Brief and the Supplemental Brief filed by petitioner Calmar, Inc., in No. 778, adopts the views therein set forth and respectfully requests the Court to consider said briefs as if filed in this case.

There being but one judgment against both plaintiffs below (petitioners here in No. 778 and No. 810), justice could not be done by granting the Petition for Writ of Certiorari in No. 778 without granting the Petition for Certiorari in No. 810, and petitioner Colgate-Palmolive

Company respectfully requests the Court to grant the petitions for Writ of Certiorari in both cases.

Respectfully submitted,

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